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8 POLICE ACCOUNTABILITY, RASHIDAH  
GRINAGE, SAIED KARAMOOZ, ANNE JANKS  
9 AND JOHN JONES, III

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

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14 DELPHINE ALLEN, et al., ) CASE NO. C00-cv-04599-WHO  
15 Plaintiffs, )  
16 v. ) DECLARATION OF REV. DR. HAROLD  
17 CITY OF OAKLAND, et al., ) MAYBERRY IN SUPPORT OF THE  
Defendants. ) INTERVENORS' MOTION TO  
18 ) INTERVENE AS OF RIGHT, OR IN THE  
) ALTERNATIVE, FOR PERMISSIVE  
) INTERVENTION

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19 ) DATE: MAY 8, 2019  
TIME: 2:00 P.M.  
DEPT: 2, 17<sup>TH</sup> FLOOR

20 I, REV. DR. HAROLD MAYBERRY, hereby declare:

21 1. I make this Declaration on personal knowledge in support of the Coalition for  
22 Police Accountability and other community representatives' Motion to intervene in this action.

23 2. I am a resident of Oakland, California. I have lived in Oakland for twenty-three  
24 years.

25 3. I have served as the senior pastor of First A.M.E. (FAME) Church in Oakland  
26 since October 1996. FAME has been a part of Oakland for 160 years. The church was founded  
27 just before the end of the American Civil War. It has been a staple in Oakland since 1858 and  
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1 has stood at the center of Black political and cultural life in Oakland throughout the years.

2       4. For the past 14 years, I have chaired the Episcopal Committee of the A.M.E.  
3 Church, which is responsible for examining the ministry of active bishops and recommending  
4 assignments. I am also a member of the denomination's General Board, Vice Chair of the  
5 Commission on Statistics and Finance, and a member of the Executive Committee.

6       5. I am a graduate of Wilberforce University and I earned my post-graduate degree at  
7 Harrington Theological Seminary.

8       6. As a pastor in Oakland, I have seen first-hand the devastating impact of lawless  
9 abuse of police authority on our community and the families who live here.

10      7. I believe that the Coalition for Police Accountability and its members are suitable  
11 intervenors who will represent and advocate for the interests of the residents of the City of  
12 Oakland. I believe that community involvement at this stage of the NSA will expedite the  
13 transformation of our police department and dramatically improve community-police relations. I  
14 believe that community representation is essential to address the impact that the NSA is having  
15 on our community.

16      8. In 2016, I supported the community movement to pass Measure LL, the enabling  
17 legislation to create an independent police commission in Oakland. It was clear that the City's  
18 Administration was unable to manage its police department and that a change in the City Charter  
19 would be required to shift that responsibility to an independent civilian oversight body. Measure  
20 LL passed overwhelmingly with 83% of the ballots cast in its favor.

21      9. As a result of what I have learned about the Oakland Police Department, I am not  
22 surprised that, after agreeing to complete the set of reforms contained in the NSA within five  
23 years (which would be 2008), the Department remains out of compliance with the most central  
24 reforms that deal with the use of force, filing false reports, flawed investigations and racial  
25 profiling after sixteen years.

26      10. None of the parties to this action are taking the appropriate steps to reduce the  
27 amount of money that the City is paying for the enforcement of the NSA. None of the parties to  
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the litigation have been able to effectively curtail the use of excessive force by OPD or the amount of racial profiling that occurs every day in our City. The continuing glaring deficiencies in OPD's investigation of police misconduct continues to cost the City millions of dollars.

11. As a resident of Oakland, I am very concerned about lawless police misconduct, particularly when it results in physical harm or death to persons present in our City. I am very concerned about unconstitutional misconduct by our police, including the use of excessive force, racial profiling, perjury and the obstruction of justice. I am acutely aware that I risk the violation of my constitutional rights anytime I encounter an OPD officer. Other members of my immediate family live in Oakland. They too are at risk of death or injury at the hands of OPD.

12. As a resident of Oakland, I pay property taxes and sales taxes. Our church and all of its members pay taxes in Oakland. I am very aware and concerned that for the past 16 years, our tax dollars have been used to pay for the monitoring activities mandated by this Court pursuant to the NSA. At the same time, our unhoused population has spiraled out of control, we are not providing services for the less fortunate residents in our community, our streets are increasingly dilapidated and a host of other problems are going unaddressed to the lack of financial resources. This situation must change and I believe the community's participation in the NSA will bring out much-needed change.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. If called as a witness, I could and would testify competently to the matters stated in this Declaration.

Executed in Oakland, California on April 1, 2019.

/s/ *Harold Mayberry*  
REV. DR. HAROLD MAYBERRY, Declarant